

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERALD CLEVINGER JR.,)	
)	
Plaintiff,)	4:06CV3218
)	
v.)	
)	
ALLTEL COMMUNICATIONS, FOCUS)	MEMORANDUM AND ORDER
RECEIVABLES MANAGEMENT, LDG)	
FINANCIAL SERVICES, LAW)	
OFFICES OF MICHAEL P.)	
MARGELEFSKY, and ALLIANCE ONE)	
RECEIVABLES,)	
)	
Defendants.)	
)	

The plaintiff has filed a motion to dismiss with prejudice defendants Focus Receivables Management, LLC; LDG Financial Services, LLC; Law Offices of Michael P. Margelefsky, LLC; and Alliance One Receivables, Inc. Filing 8. None of the defendants have filed an opposition to the plaintiff's motion to dismiss, and the deadline for opposing the motion has now passed.

Upon review of the file, the court notes that the notice of removal states the Law Office of Michael P. Margelefsky, LLC was dismissed as a defendant before the case was removed, (filing 1 (notice of removal), ¶ 3), and although defendants Focus Receivables Management, LLC and LDG Financial Services, LLC have filed answers to the complaint, there is nothing of record indicating that the Law Offices of Michael P. Margelefsky, LLC and Alliance One Receivables, Inc. were ever served with or filed a response to the plaintiff's complaint.

IT THEREFORE HEREBY IS ORDERED:

1. The plaintiff's motion to dismiss, filing 8, is granted.
2. Named defendants Focus Receivables Management, LLC; LDG Financial Services, LLC; Law Offices of Michael P. Margelefsky, LLC; and Alliance One Receivables, Inc. are dismissed with prejudice.

DATED this 6th day of December, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge